

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:22-CV-00030-M

JULIE TORBETT THOMAS,

Plaintiff,

v.

EAST CAROLINA UNIVERSITY, a
constituent institution of the University of
North Carolina; and the UNIVERSITY OF
NORTH CAROLINA,

Defendants.

**REPORT OF THE PARTIES'
PLANNING MEETING**

Fed. R. Civ. P. 26(f)

REPORT OF THE PARTIES' PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on November 2, 2023 by video conference: Lawrence Dempsey and Jonathan Wall representing the Plaintiff. D. Martin Warf representing the Defendants.

2. Initial Disclosures. The parties will complete by November 21, 2023, the initial disclosures required by Rule 26(a)(1). Any party may exchange copies (.pdf or native format) of all documents within their possession, custody, or control which they intend to use to support claims or defenses, rather than merely providing "descriptions by categories" of all documents as called for under Rule 26(a)(1)(A)(ii), but neither party is required to do so. The failure to produce any document during initial disclosures shall not, however, render such document inadmissible at trial or otherwise limit its use.

3. Discovery Plan. The parties propose this discovery plan:

(a) Discovery will be needed on these subjects:

- Plaintiff's claims as set forth in the Complaint;
 - Defendants' affirmative defenses asserted in their Answer, and any other defenses that may become applicable during discovery;
 - Any other issues raised by the pleadings or discovery and governed by Rule 26(b)(1).
- (b) Written discovery to open on December 1, 2023, and conclude on August 1, 2024.
- (c) Maximum number of interrogatories by each side is 30.
- (d) Maximum number of requests for admission is 30 per side.
- (e) Maximum number of depositions by each side is 7.
- (f) Limit on the length of depositions is 7 hours.
- (g) Plaintiff's Expert Report deadline is May 23, 2024; Defendants' Expert Report deadline is June 21, 2024; and Rebuttal Expert deadline is July 2, 2024.
- (h) The parties should be allowed until March 1, 2024 to join additional parties or amend pleadings. After that time, amendment of the pleadings will be governed by Rule 15 of the Federal Rules of Civil Procedure, and whether granting leave to amend would delay the trial of this matter.
- (i) Parties have no known issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced. The parties agree to email service of pleadings and electronic sharing or service of discovery responses or documents.
- (j) The parties anticipate filing a Motion for Entry of Joint Protective Order in order to facilitate the exchange of documents and information during discovery.

4. Other Items:

- (a) No meeting with the court before a scheduling order is needed.
- (b) Parties request 30 days before trial for pretrial conference.
- (c) Deadline to file dispositive motions is September 2, 2024, or 30 days beyond the close of discovery, whichever occurs later.
- (d) State the prospects for settlement - Parties discussed the possibility of settlement. Defendants noted certain levels of approval will be needed for settlement and that they can agree upon a contingent number prior to approval. Plaintiff understands and agrees to such a process.
- (e) The Parties agree to mediation, and anticipate jointly selecting a suitable mediator within 30 days of the entry of this order.
- (f) Deadline for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists is 30 days before trial.
- (g) Deadline to file objections under Rule 26(a)(3) is 15 days before trial.
- (j) Suggested trial date is spring 2025 and estimate of trial length will be 5 days.

Date: November 15, 2023

/s/ Lawrence Dempsey

Thomas Newkirk (Special Appearance, Iowa
State Bar No. AT0005791)

Lawrence Dempsey (Special Appearance, Iowa
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/s/ Jonathan Wall

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Date: November 15, 2023

/s/ D. Martin Warf
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